

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-46809-2021
Decided on :20.05.2022

Lakhveer Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate,
Mr. Prabhdeep Singh Bindra, Advocate and
Mr. Sidharth Sehgal, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 161 dated 29.07.2021 under Section 306 of the Indian Penal Code, 1860 registered at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 28.09.2021 and the investigation is complete and the challan has already been presented and there are as many as 17 witnesses out of whom, none have been examined and thus, the trial is likely to take a long time. It is further submitted that the petitioner is not involved in any other criminal case and there is no suicide note left by the deceased. It is contended that a perusal of the FIR would show that, prima facie, no offence under Section 306 IPC has been made out as even as per the said allegations, it is the petitioner who

wanted to marry the daughter of the deceased and did not commit any overt act to abet the commission of the offence under Section 306 IPC. Reliance in this regard has been placed upon the judgment of a coordinate Bench of this Court in *State of Punjab Vs. Kamaljit Kaur alias Bholi and another*, reported as 2008(2) RCR (Criminal) 562.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that in the present case, an offence under Section 306 IPC has been, *prima facie*, made out. It is further submitted that it was because of the petitioner that the marriage of the daughter of the deceased was broken. The factum with respect to the custody of the petitioner and him not being involved in any other case, however, has not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner has been in custody since 28.09.2021 and the investigation in the present case is complete and the challan has already been presented and there are as many as 17 witnesses out of whom, none have been examined and thus, the trial is likely to take a long time. The petitioner is stated to be not involved in any other case. There is no suicide note left by the deceased and the question as to whether the offence under Section 306 IPC is made out or not in the present case, would be a matter of debate to be considered during the course of trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned

trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

May 20th,2022

Mehak

Whether reasoned/speaking?

Whether reportable?

(VIKAS BAHL)

JUDGE

Yes/No

Yes/No